

IDAHO BUILDING CODE BOARD MEETING

November 16, 2005

***Draft Minutes of the November 16, 2005 Meeting Of the Idaho Building Code Board**

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The November 16, 2005, meeting of the Idaho Building Code Board was called to order by Chairman Doug Brown at 9:30 a.m. The meeting was held in Meridian, Idaho, at the office of the Division of Building Safety. Those attending were:

BOARD MEMBERS: Doug Brown, Chairman
Bobby Ball – (Arrived at 10:20)
Robert Carlton
Kelly Daniels
Ed Wagner
Janene Welch
Tom Wilson, Vice-Chairman

BOARD MEMBERS ABSENT: N/A

DBS STAFF MEMBERS: John McAllister, DBS Administrator
Marsi Woody, DBS Deputy Administrator
Jack Rayne, Building Bureau Chief
Kay Christensen, Deputy Attorney General
Arlan Smith, Building Plans Examiner
Lisa Stover, Building Plans Examiner
Emma Hoffman, Technical Records Specialist

OTHERS PRESENT: Jason Ronk, Building Contractors Association
Ken Sommer, Ada County Dev. Services
Bob McKinney, Ada County Dev. Services
Dennis Davis, IDABO
Ken Baker, Kenergy

Jack Rayne introduced John McAllister as the new DBS Administrator. Mr. McAllister gave a brief history of his educational and employment background.

MINUTES

Jan Welch moved to approve the July 20, 2005 minutes. Ed Wagner seconded the motion and the minutes were approved as written.

CORRESPONDENCE

Jack Rayne reported no correspondence has been received or mailed.

OLD BUSINESS

Jack Rayne stated the Rule changes had been approved at the last meeting and have since gone through the publication and promulgation process. He referred to two changes that were made. Sections 005. and 006. were added in order to comply with the promulgation process. He said the rules need to be re-approved because of these changes.

MOTION - Tom Wilson moved to re-approve the proposed rules including the additions of 005. and 006. as shown on page 84 IDAPA 07.03.01 "Rules of Building Safety." Kelly Daniels seconded and the motion passed.

Doug Brown thanked Arlan Smith for completing the IBC Sprinkler Amendment Survey. Mr. Smith reviewed the results of the survey and said that regardless of what it says in the state's statute; most of the jurisdictions have more restrictive requirements. He said the reason the board needs to discuss this issue is to determine whether or not it will submit legislation this year. The current code, as it is written without the amendment, reads every group R occupancy that is not a single or two family dwelling i.e. three dwellings or larger in size would have to have fire sprinklers. If it is not a single or two family dwelling, which is governed by the IRC, then it falls under the IBC. If it is a residential occupancy under the IBC, a sprinkler system is required. The board proposed this year to submit legislation to empower the board to be the body that adopts the codes in a rule promulgation process. The sprinkler requirement has been a controversial issue for a couple of years and has not yet been resolved with the outside industry.

Dennis Davis said the city of Nampa is concerned that the board will make a move to make a mid code cycle adjustment to the code. Ken Baker in agreeing with Dennis Davis said the code adoption should remain on a three year cycle.

Mr. Smith said the fire code is adopted by Rule through the state fire marshal and currently has more restrictive language than the building code regarding fire sprinklers in residential occupancies.

Ed Wagner said his recollection of discussion at the last board meeting was that the sprinkler requirement would not change. He said his understanding at that time was the board's intent to proceed with this language without affecting the sprinkler requirement. His question was whether or not the board could get the legislation through without modifying the sprinkler issue.

Mr. Rayne said the board could proceed with legislation to give the board the authority to promulgate and adopt codes. Proposed changes to the Building Code Act – 20 July 2005 were discussed and with reference to item #4 on page 2 of 2, Mr. Rayne said this change needs to be made at this time in order to adopt the 2006 IBC. Other issues regarding sprinkler amendments are problematic and it is not necessary to address them at this time.

In answer to a question from Jan Welch, Kay Christensen said if you leave this language in and all you do is to allow the board to have rule making authority and then go back to the legislature and ask them to eliminate the two exemptions, you run the risk of the legislature deciding not to delete the exemption. You may spend six months on a rule which may then be contradicted by your statutes plus the legislature may not be anxious to approve rules that at the time of approving will contradict an existing statute.

Following a lengthy discussion, Kay will complete the rewording on the draft stating that the 2003 building code along with the existing qualifying language that is currently in the Division's statutes stay in place, untouched, until such time as the board should decide to adopt the 2006 version of the IBC. She will then take the draft back to the Division of Financial Management

and request their permission. Assuming they sign off on it, it will then be taken to Legislative Services for an edit. Kay will relate to them what she thinks the board desires to do and they will then insert the proper language.

MOTION - Jan Welch moved the board sunset item d and leave item c as it currently stands in 39-4109 Idaho Code. Tom Wilson seconded. Following discussion, Jan Welch moved to amend her motion by striking item c retaining d as it stands with the sunset clause. Tom Wilson seconded the amended motion and the motion passed.

Kay Christensen said if it is the opinion of the board that there should be language as to the statement of purpose a second motion is required. The board did not so move. Ms. Christensen will mail a copy of the revised draft to Arlan Smith and he will send it to all interested parties.

NEW BUSINESS

Mr. Rayne said there are still vacancies on the board for a Public Representative and a County Building Official. He invited board members to submit names to John McAllister or directly to the Governor's office.

A tentative date for the next meeting was set for April 5, 2006 beginning at 9:30 a.m.

Bobby Ball moved to adjourn, Bob Carlton seconded and the meeting was adjourned.

Jack Rayne, Executive Director of the Board
Building Bureau Chief, DBS

Date

John McAllister, Administrator
Division of Building Safety

Date

Doug Brown, Chairman
Idaho Building Code Board

Date

*These draft minutes are subject to possible correction and final approval by the Idaho Building Code Board.